

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74967

Michael Trotta et al.
EMC Mortgage
8215 Old Philadelphia Road
Rosedale MD 21237

1921 Oxley Road

EMC Mortgage Corporation
c/o The Corporation Trust Inc
351 West Camden Street
Baltimore MD 21201

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 307, failure to maintain premises in a rat free condition and to eliminate rat harborages, failure to eliminate rat holes/runs, failure to eliminate rat infestation along fence line, failure to clear overgrown vegetation contributing to rat infestation; section 13-4-201 (b)(d), failure to store waste in rodent resistant containers with tight fitting lids on residential property known as 1921 Oxley Road, 21222.

On June 8, 23010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Notes in the file by Inspector Moorefield state that the owner of record, Michael Trotta, has responded to the County's notices and has advised that possession of this property reverted to the mortgage company, Respondent E.M.C. Mortgage, in December 2009.

C. Review of the file shows that this property has previously been cited and had civil penalties imposed for similar code violations, including improper storage of garbage; junk, trash and debris; and rat infestation. Photographs in the file show cans overflowing with bagged garbage and no lids. Photographs show junk and debris piled against the rear fence. Notes in the file from Inspector Moorefield state that one garbage can on the premises has a large hole in the bottom. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be stored in waterproof cans with tight fitting lids.

D. Photographs in the file also show large ratholes, ratruns, and debris indicating an active rat infestation. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

E. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected within the time provided below. If Respondents do not abate the rat infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by August 3, 2010.

IT IS FURTHER ORDERED that after August 3, 2010, the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, and/or for the purpose of exterminating the rat infestation, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer